

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ORIENTAL BANK

Plaintiff,

v.

PENTZKE LEMUS et al

Defendant.

Civil case no. 24-1550 (MAJ)

ANSWER TO THE COMPLAINT

To the Honorable Court:

COMES Defendant Luis Pastrana – Roman through the undersigned, Court appointed and pro bono attorney, and respectfully answers the complaint filed by Oriental Bank, in the following manner:

1. Paragraphs 1-8 are introductory in nature and contain a summary of the claims and legal conclusions, so no response is required. To the extent a response is required, the appearing defendant denies every allegation contained in said paragraphs of the introduction.
2. Paragraphs 1- 110 of the complaint do not pertain to the appearing defendant, so no response is required. To the extent that a response is required, said paragraphs are denied for lack of sufficient knowledge or information to form a belief as to their truth.
3. As to the allegations in paragraph 111 of the complaint, it is admitted that the defendant is of legal age and resident of Barceloneta, Puerto Rico and that he used the email address thereby provided.
4. Paragraphs 112-181 of the complaint do not pertain to the appearing defendant, so no response is required. To the extent that a response is required, said paragraphs are

- denied for lack of sufficient knowledge or information to form a belief as to their truth.
5. Paragraphs 182 and 183 are denied for lack of sufficient knowledge or information to form a belief as to their truth.
  6. Paragraphs 184 through 1284 do not pertain to the appearing defendant, so no response is required. If a response is required, paragraphs 184 through 1284 are denied for lack of sufficient knowledge or information to form a belief as to their truth.
  7. Paragraph 1285 is denied at this moment for lack of sufficient knowledge or information to form a belief as to its truth.
  8. Paragraph 1286 is admitted.
  9. Paragraphs 1287 - 1294 are all denied at this moment for lack of sufficient knowledge or information to form a belief as to its truth.
  10. Paragraph 1288 is denied for lack of sufficient knowledge or information to form a belief as to its truth.
  11. Paragraph 1289 is denied for lack of sufficient knowledge or information to form a belief as to its truth.
  12. Paragraph 1290 is denied for lack of sufficient knowledge or information to form a belief as to its truth.
  13. Paragraph 1291 - 1294 is denied for lack of sufficient knowledge or information to form a belief as to its truth.
  14. Paragraphs 1295 through 1924 do not pertain to the appearing defendant, so no response is required. If a response is required, paragraphs 1236 through 1924 are denied for lack of sufficient knowledge and information to form a belief as to their truth.

15. Paragraphs 1925 through 1964 are denied.

Affirmative Defenses:

1. The appearing defendant does not admit any liability and reserves all the rights and defenses on his behalf that may be available to him, including all the above and those made below this paragraph.
2. The complaint fails to state a claim upon which relief may be granted.
3. In criminal case 23-304 (MAJ) defendant entered a plea agreement that includes a restitution order which may be related to the claims made by Oriental in this complaint.
4. Oriental ignores said plea agreement and filed this complaint maliciously.
5. This civil complaint, if granted as requested, will result in an impermissible double recovery because restitution was already resolved by this Court in criminal case 23-304.
6. Plaintiff lacks standing for all or some of the claims.
7. Plaintiff's claims may be barred by the applicable statutes of limitations.
8. The damages claimed were caused, in whole or in part, by the conduct of parties other than the appearing defendant, including co-defendants, the plaintiff, and employees and/or contractors of the plaintiff.
9. Laches.
10. Estoppel.
11. Waiver.
12. To the extent that restitution has been resolved by this Court in criminal case 23-304, and to the extent that payment has been and/or will be made, the appearing defendant is entitled to setoff.
13. The appearing defendant reserves the right to amend this answer and assert additional

defenses as discovery develops.

WHEREFORE defendant Luis Pastrana respectfully requests this Court (1) dismiss the complaint with prejudice, (2) award defendant the costs of litigation (if any) and the attorney's fees incurred by the undersigned to date, at a reasonable rate and (3) grant any other relief that may be just and proper.

Respectfully submitted.

I certify that this document was filed with the Clerk of the Court using the CM/ECF system, which sends notification of such filing to attorneys on record.

In San Juan, Puerto Rico on May 20, 2025.

*s/ Ricardo R. Lozada*  
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